

Appendix B

ANILCA SECTION 810(a)

SUMMARY EVALUATION AND FINDINGS

I. INTRODUCTION

Title VIII, Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) requires Federal agencies having jurisdiction over lands in Alaska to evaluate the potential impacts of proposed actions on subsistence uses and needs. This analysis evaluates the potential restrictions to ANILCA Title VIII subsistence uses and needs that could result from the National Park Service (NPS) implementing alternatives within the Kennecott Operations Plan Environmental Assessment. The EA provides a detailed description of the proposed management alternatives for the Kennecott Mines National Historic Landmark (NHL) located within Wrangell-St. Elias National Park and Preserve (WRST).

II. THE EVALUATION PROCESS

Section 810(a) of ANILCA states:

"In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands . . . the head of the federal agency . . . over such lands . . . shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency -

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;

(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions."

ANILCA created new units and additions to existing units of the national park system in Alaska. Wrangell-St. Elias National Park, containing approximately eight million one hundred and forty-

seven thousand acres of public lands, and Wrangell-St. Elias National Preserve containing approximately four million one hundred and seventeen thousand acres of public lands, was created by ANILCA, section 201(9), for the following purposes:

“To maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes, and streams, valleys, and coastal landscapes in their natural state; to protect habitat for, and populations of, fish and wildlife including but not limited to caribou, brown/grizzly bears, Dall sheep, moose, wolves, trumpeter swans and other waterfowl, and marine mammals; and to provide continued opportunities including reasonable access for mountain climbing, mountaineering, and other wilderness recreational activities. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of Title VIII.”

The potential for significant restriction must be evaluated for the proposed action's effect upon "...subsistence uses and needs, the availability of other lands for the purposes sought to be achieved and other alternatives which would reduce or eliminate the use."

III. PROPOSED ACTION ON FEDERAL LANDS

The National Park Service is considering four alternatives for the management of the Kennecott Mines NHL. The focus for management of the landmark is to stabilize, preserve, and interpret the key patterns, relationships, and remaining structures and features that define the historic, cultural and natural character of the NHL. The NHL encompasses 14,231 acres of public and private lands. The proposed management activities in the plan focus on NPS-owned portions of the mill town and surrounding area; however, some components of management (such as access/transportation) affect the entire Kennecott/McCarthy area. This plan is intended to address only NPS-owned properties; participation by private property owners will be at the sole discretion of those owners.

The management strategy for NPS-owned portions of the NHL includes historic structure preservation and stabilization, interpretation, NPS utilities and infrastructure, access/transportation, and vegetation management. A full discussion of the proposed action and alternatives and their anticipated effects is included in the EA. Common to all alternatives are partnerships and communication with the Kennecott/McCarthy community, use of local hire authority, and clearing and thinning of vegetation around structures to protect structures from wildland fire. Customary and traditional subsistence uses on park and preserve lands would continue as authorized by federal law under each of the alternatives. The four alternatives are summarized briefly below.

Alternative 1 – No Action Alternative: Under this alternative, management actions in the NHL would be limited to maintaining the structures and landscape features as they exist today, with no additional treatment. Less than 1 acre of vegetation would be cleared.

Alternative 2 – Preferred Alternative: Under this alternative, historic structure stabilization and preservation would be based on past planning documents, including the Cultural Landscape

Report and the Interim Operations Plan. Vegetation clearing would be done around buildings for fire protection and in selected areas to improve viewsheds, impacting about 4.75 acres. NPS would work with the community to manage the NHL as a non-motorized visitor destination. Other developments would include a 3.5 mile pedestrian trail along the east side of the Kennicott Glacier, a walk-in campground (subject of a previous EA), a water system providing potable water and limited fire suppression capabilities, and a sanitary sewer system.

Alternative 3 -- Management Concepts Alternative: Under this alternative, historic structure stabilization and preservation would reflect the Management Concepts presented in the Interim Operations Plan and in Section 1.3.2 of the Kennecott Operations Plan EA. Vegetation clearing would be done only to maintain historical circulation routes. NPS would work with the community to manage the NHL as a non-motorized visitor destination. Other developments would include a 3.5 mile pedestrian trail along the east side of the Kennicott Glacier, a walk-in campground, and possibly additional non-motorized trails in the area. Including possible trail development, less than 5 acres would be cleared or thinned of vegetation over a widely spaced area.

Alternative 4 – Restoration Alternative: Under this alternative, historic structures within the Administrative Core zone would be restored or reconstructed to replicate 1938 conditions. In other zones, all structures would be stabilized and preserved, and some would be rehabilitated to accommodate adaptive re-use. Vegetation would be cleared around buildings for fire protection, and extensive clearing would occur within the Administrative Core, Commercial, and Industrial Core zones to replicate 1938 conditions and to improve viewsheds. Historic circulation routes will be maintained and enhanced. Other developments would include a 3.5 mile pedestrian trail along the east side of the Kennicott Glacier, a walk-in campground, and a water system providing potable water and fire suppression. In total, vegetation would be cleared or thinned on about 13 acres within the NHL, including nearly 10 acres in mill town to replicate 1938 conditions.

IV. AFFECTED ENVIRONMENT

A summary of the affected environment pertinent to subsistence use is presented here. The following documents contain additional descriptions of subsistence uses within Wrangell-St. Elias National Park and Preserve:

Bleakley, Geoffrey T. 2002. *Contested Ground, An Administrative History of Wrangell-St. Elias National Park and Preserve, Alaska, 1978-2001*, NPS Alaska Region.

Final Environmental Impact Statement, Wilderness Recommendation, NPS Alaska Region, 1988.

Haynes, Terry L., Martha Case, James A. Fall, Libby Halpin, and Michelle Robert. 1984. *The use of Copper River salmon and other wild resources by Upper Tanana communities, 1983-1984*. ADF&G Division of Subsistence, Technical Paper No. 115.

Kukkonen, Malla, and Garrett. Zimpelman. 2012. *Subsistence harvests and uses of wild resources in Chistochina, Alaska, 2009*. Alaska Department of Fish and Game, Division of Subsistence Technical Paper No. 370.

Marcotte, James R. 1992. *Wild fish and game harvest and use by residents of five Upper Tanana communities, Alaska, 1987-88*. ADF&G Division of Subsistence, Technical Paper No. 168.

Norris, Frank. 2002. *Alaska Subsistence: A National Park Service Management History*, NPS Alaska Region.

NPS Alaska Region. 1986. *General Management Plan/Land Protection Plan, Wrangell-St. Elias National Park and Preserve*.

NPS Alaska Region. 1988. *Wrangell-St. Elias Subsistence Management Plan*. (Updated most recently in 2004.)

NPS Alaska Region. *Wrangell-St. Elias National Park and Preserve Subsistence Users Guide*. (Updated most recently in 2005.)

Stratton, Lee, and Susan Georgette. 1984. *Use of fish and game by communities in the Copper River Basin, Alaska: a report on a 1983 household survey*. ADF&G Division of Subsistence, Technical Paper No. 107.

Subsistence uses are allowed within Wrangell-St. Elias National Park and Preserve in accordance with Titles II and VIII of ANILCA. The national preserve is open to Federal subsistence uses and State authorized general (sport) hunting, trapping and fishing activities. NPS qualified subsistence users may engage in subsistence uses within the national park. The proposed action would take place within the national preserve.

Based on 2010 U.S. Census data, the National Park Service estimates that approximately 5,200 individuals are eligible to engage in federal subsistence uses in Wrangell-St. Elias National Park and Preserve. Most of these individuals live in communities along the road system, although there are a few scattered pockets of population off of the road system. Subsistence uses in WRST include hunting, trapping, fishing, berry picking, gathering mushrooms and other plant materials, collecting firewood, and harvesting timber for house construction. Most subsistence hunting within Wrangell-St. Elias occurs off the Nabesna and McCarthy roads and the trails that originate from them. The Copper, Nabesna, Chisana and Chitina rivers serve as popular riverine access routes for subsistence users. Most of the subsistence fishing takes place in the Copper River.

The 14,231 acre Kennecott Mines NHL is located within Game Management Unit 11 adjacent to the resident zone community of McCarthy. Resident zone status entitles the permanent residents of McCarthy to qualify for subsistence uses within the park. The Kennicott Valley provides important black and brown bear habitat in the form of soapberry patches. While moose are indigenous to the area, their numbers are not numerous. Dall sheep are present in the hills and mountains above the valleys. Most of the common furbearers are present. In addition to hunting

and trapping, subsistence activities in the general area of the NHL include berry picking, mushroom collection, and firewood harvest. There are no significant subsistence fish resources in the immediate vicinity of the NHL. Due to its relatively remote location and limited game numbers, most of the subsistence activities in the NHL area are by residents of McCarthy and Kennecott.

The NPS recognizes that patterns of subsistence use vary from time to time and from place to place depending on the availability of wildlife and other renewable natural resources. A subsistence harvest in a given year may vary considerable from previous years due to weather conditions, migration patterns, and natural population cycles.

V. SUBSISTENCE USES AND NEEDS EVALUATION

To determine the potential impact on existing subsistence activities, three evaluation criteria were analyzed relative to existing subsistence resources that could be impacted.

The evaluation criteria are as follows:

1. the potential to reduce important subsistence fish and wildlife populations by (a) reductions in numbers, (b) redistribution of subsistence resources, or (c) habitat losses;
2. what affect the action might have on subsistence fisher or hunter access; and
3. the potential for the action to increase fisher or hunter competition for subsistence resources.

The potential to reduce populations:

(a) Reduction in Numbers:

The proposed actions to implement various invasive plant control methods are not expected to cause a significant decline of wildlife species in the affected areas.

(b) Redistribution of Resources:

The proposed actions are not expected to cause a significant displacement of subsistence resources in the affected areas.

The effect on subsistence access:

The proposed actions are not expected to significantly restrict current subsistence use patterns. Access for Title VIII subsistence uses within NPS areas is permitted according to federal and state law and regulations.

The potential to increase competition:

The proposed actions are not expected to significantly restrict or increase competition for subsistence resources on federal public lands within the affected area.

VI. AVAILABILITY OF OTHER LANDS

The proposed actions are consistent with NPS mandates. There are no other lands available for this action because the NHL boundaries were established by Congress to achieve specific purposes.

VII. ALTERNATIVES CONSIDERED

No other alternatives were identified that would reduce or eliminate the use of NPS public lands needed for subsistence purposes.

VII. FINDINGS

This analysis concludes that none of the proposed actions will not result in a significant restriction of subsistence uses.